

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF DEVELOPMENT APPLICATION NO. 157-6-2004

(FILE NO. S04/01392 PT 4)

**CONSTRUCTION AND FITOUT OF A TECHNOLOGY ORIENTATED
CORPORATE COMPLEX**

I, the Minister for Infrastructure and Planning, pursuant to Section 80 (1) (a) and Section 88A of the *Environmental Planning & Assessment Act, 1979*, determine the development application referred to in the attached Schedule 1, by granting consent to the application subject to the conditions of consent in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To ensure the orderly development of land;
- (2) To encourage good urban design and a high standard of architecture;
- (3) To encourage ecologically sustainable development;
- (4) To encourage pedestrian accessibility;
- (5) To maintain the amenity of the local area.

Craig Knowles MP
Minister for Infrastructure and Planning
Minister for Natural Resources

Sydney,

2004

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Diane Beamer MP
Minister for Juvenile Justice
Minister for Western Sydney
Minister Assisting the Minister for Infrastructure and Planning
(Planning Administration)

Sydney,

2004

SCHEDULE 1

PART A — TABLE

Application made by:	Stephen Sanlorenzo, APP Corporation Pty Ltd PO Box 1573, North Sydney NSW 2059
Application made to:	Minister for Infrastructure and Planning
Development Application:	157-6-2004
On land comprising:	1-11 Lyonpark Road, 25-37 Paul Street North, 107 Epping Road & 16-20 Giffnock Ave, North Ryde. Lot 51-52, DP 564301; Lot 1-2, DP455952; Lot C1, DP 377649; Lot 2, DP 655022; Lot 2, DP880284; part of Lot 3, DP 563085 and Paul Street North.
For the carrying out of:	Development described in Condition A1, Part A, Schedule 2
Estimated Cost of Works	\$243,268,600
Type of development:	Section 88A State Significant Development
S.119 Public inquiry held:	No
BCA building class:	5, 6 and 7a
Approval Body / Bodies:	Not Integrated
Determination made on:	7 November 2004
Determination:	A development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the formal notification letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 3 years from the date of commencement of consent, unless: <ul style="list-style-type: none"> ▪ a shorter period of time is specified by the Regulations or ▪ a condition in Schedule 2, or ▪ the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 157-6-2004

Responsibility for other approvals / agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid:

- (1) for a development application, within 12 months after the date on which the applicant received this notice

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

Section 94 Conditions

This development consent contains a levy for development imposed under section 94 of the Act. The imposing of levies where imposed in accordance with Section 94 Contributions Plan No. 1 (2001 Amendment). The Section 94 Contributions Plan No. 1 (2001 Amendment) may be inspected at the following locations:

- City of Ryde, Civic Centre, 1 Devlin Street, Ryde.

The specific public amenity or service or both are identified in the monetary contributions conditions in Part B of Schedule 2.

PART C—DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means APP Corporation or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act.

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means the City of Ryde Council.

DA No. 157-6-2004 means the development application and supporting documentation called in by the Minister under Section 88A of the *Environmental Planning and Assessment Act 1979* on 10 June 2004 and subsequent documentation submitted to the Department.

Department means the Department of Infrastructure, Planning and Natural Resources or its successors.

Director means the Director of Urban Assessments (or its successors) within the Department.

Director-General means the Director-General of the Department.

Minister means the Minister for Infrastructure and Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

RTA means the Roads and Traffic Authority of NSW or its successors.

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 157-7-2004

PART A—ADMINISTRATIVE CONDITIONS

A1 Development Description

Development consent is granted only to carrying out the development described in detail below:

- (1) The demolition of existing buildings on site;
- (2) The construction of a technology-orientated corporate complex comprising two (2) x four (4) storey and four (4) x five (5) storey buildings, incorporating the following:
 - (a) basement tenant car parking;
 - (b) at grade visitor parking;
 - (c) dedicated floorspace for the purposes of a gymnasium;
 - (d) dedicated floorspace for the purposes of a child care centre accommodating ninety children;
 - (e) active sports facilities; and
 - (f) food service facilities.
- (3) Landscaping and civil works, including a new internal road system;
- (4) consolidation of existing allotments;
- (5) the commencement of the use of the premises;
- (6) the partial fitout of the premises including internal partitioning of the buildings where specified in the plans; and
- (7) the removal of those trees required to facilitate the development.

A2 Development in Accordance with Plans

The development shall be generally in accordance with development application number DA No.157-6-2004 called in by the Minister on 10 June 2004 under Section 88A of the Environmental Planning and Assessment Act 1979, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

- | |
|--|
| <ul style="list-style-type: none">• Statement of Environmental Effects entitled “Proposal to Construct a New Technology-orientated Complex and the Commencement of its Use” prepared |
|--|

by Ludvik & Associates Pty Ltd, dated February 2004 as amended by letter from Ludvik & Associates, dated 23 July 2004 titled '1-11 Lyonpark Road, 25-37 Paul Street North & 107 Epping Road, North Ryde – Supplementary Information Statement of Environmental Effects' and as further amended by letter from APP Corporation, dated 8 September titled 'Supplementary Information.'

- Sample Board dated 23/07/04 titled 'Centre Court – North Ryde' prepared by Rice Daubney detailing materials and finishes and "Typical Façade Elevations" and associated plans dated 28.07.04 (Drawing No.s SK-192, SK-193 and SK-194, prepared by Rice Daubney);
- Centre Court, North Ryde – Landscape Guidelines – prepared for Stockland, dated February, 2004;
- "Report on the Transport Implications of a Proposed Business/Research Park, Lyon Park Road, Macquarie Park" dated February 2004 prepared by Colston Budd Hunt and Kafes Pty Ltd, and as further amended by letter to APP Corporation dated 7 June 2004;
- "Optus Workplace Travel Plan" prepared by Project Planning Associates, dated 30 July 2004;
- "Access Review", prepared by Morris-Goding Accessibility Consulting, dated 26th February 2004;
- "Waste Management Plan", prepared by Hyder Consulting, dated 24 February 2004.

Architectural (or Design) Drawings prepared by Rice Daubney

Drawing No.	Revision	Name of Plan	Date
T00	3	Cover Sheet	23.07.04
T01	3	Survey	23.07.04
T02	6	Site Constraints Plan & Location Plan	06.09.04
T03	8	Development Plan	06.09.04
T04	8	Basement Plan B1	06.09.04
T05	8	Basement Plan B2	06.09.04
T06	5	Basement Plan B1 Buildings A&B	23.07.04
T07	5	Basement Plan B2 Buildings A&B	23.07.04
T08	5	Basement Plan B1 Buildings C&D	23.07.04
T09	5	Basement Plan B2 Buildings C&D	23.07.04
T10	5	Basement Plan B1 Buildings E&F	23.07.04
T11	5	Basement Plan B2 Buildings E&F	23.07.04
T12	4	Ground Floor Plan Buildings A-B	23.07.04
T13	3	Ground Floor Plan Buildings C-D	23.07.04
T14	4	Ground Floor Plan Buildings E-F	23.07.04
T15	4	Typical Floor Plan Buildings A-B	23.07.04
T16	3	Typical Floor Plan Buildings C-D	23.07.04
T17	3	Typical Floor Plan Buildings E-F	23.07.04
T18	3	Plant Room Plan Buildings A-B	23.07.04
T19	3	Plant Room Plan Buildings C-D	23.07.04
T20	3	Plant Room Plan Buildings E-F	23.07.04

T21	3	Typical Roof Plan	23.07.04
T22	3	Elevations-Building A&B N.E.&S.W.	23.07.04
T23	4	Elevations-Building A&B N.W.&S.E.	23.07.04
T24	3	Elevations-Building C&D N.E.&S.W.	23.07.04
T25	4	Elevations-Building C&D N.W.&S.E.	23.07.04
T26	4	Elevations-Building E&F N. & S.	23.07.04
T27	4	Elevations- Building E&F – E. & W.	23.07.04
T28	3	Typical Building Sections	23.07.04
T29	3	Typical Reflected Ceiling Plan Buildings A-D	23.07.04
T30	3	Typical Reflected Ceiling Plan Buildings E & F	23.07.04
Interior partitioning drawings prepared by Rice Daubney			
IDA - 00	1	Cover Sheet Partition Layout	22.07.2004
IDA - 01	1	Building A & B Ground Partition Layout	22.07.2004
IDA -02	1	Building A & B Level 1 Partition Layout	22.07.2004
IDA -03	1	Building A & B Level 2 Partition Layout	22.07.2004
IDA -04	1	Building A & B Level 3 Partition Layout	22.07.2004
IDA -05	1	Building A & B Level 4 Partition Layout	22.07.2004
IDA -06	1	Building C & D Ground Partition Layout	22.07.2004
IDA -07	1	Building C & D Level 1 Partition Layout	22.07.2004
IDA -08	1	Building C & D Level 2 Partition Layout	22.07.2004
IDA -09	1	Building C & D Level 3 Partition Layout	22.07.2004
IDA -10	1	Building C & D Level 4 Partition Layout	22.07.2004
IDA -11	1	Building E & F Ground Partition Layout	22.07.2004
IDA -12	1	Building E & F Level 1 Partition Layout	22.07.2004
IDA -13	1	Building E & F Level 2 Partition Layout	22.07.2004
IDA -14	1	Building E & F Level 3 Partition Layout	22.07.2004
Landscape Drawings prepared by Anton James Design			
Drawing No.	Revision	Name of Plan	Date
L.01	G	Landscape Hardworks Plan	07.09.04
L.02	G	Landscape Softworks Plan	0709.04

L.03	F	Landscape Levels Plan	07.09.04
Civil Works Drawings prepared by Warren Smith & Partners			
Drawing No.	Revision	Name of Plan	Date
C-10	B	Existing Drainage Catchment Plan	April 04
C-11	B	Stormwater Drainage and On Site Detention Basins Plan	April 04
C-12	B	Stormwater Drainage Longitudinal Sections Lines 1,2,3 & 4	April 04
C-13	B	Stormwater Drainage Longitudinal Section Line 5	April 04
C-14	B	Stormwater Drainage Longitudinal Section Lines 6-15	April 04
C-15	B	On site Atlantis type bioretention swales and discharge control pit details.	April 04
C-16	C	On site bioretention basin A and discharge control pit details	April 04

A3 *Inconsistency between documents*

In the event of any inconsistency between the conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

A4 *Lapsing of Consent*

In order to ensure the orderly and appropriate development of land, this development consent shall lapse 3 years after the determination date in Part A of Schedule 1 of this consent if the proposed tenant for the development, being Optus Administration Pty Ltd, determines not to proceed with the relocation to the subject site and another suitable long term tenant cannot be secured by the applicant.

A5 *Surrender of Consent*

In order for the development of land to proceed in a coordinated and orderly manner and to avoid potential conflicts with this consent, the Applicant shall, within 6 months of the date of issue of the construction certificate relating to this consent and in the manner prescribed by Clause 97 of the Regulation, surrender the development consents described below:

Development Application No. 552/2001 approved by the City of Ryde Council	
Certificate of Title	1-7 and 9-11 Lyonpark Road, 25,27, 29-37 Paul Street North, and 16-20 Giffnock Avenue, Macquarie Park Lot: 2 DP: 575461
Development Description	Industrial Business park complex
Date	12 March 2002

A6 *Prescribed Conditions*

The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Paul Street North

B1 Paul Street North

- (1) Prior to the issue of a construction certificate for below ground works, the applicant is to enter an agreement with Council for the formal purchase of Paul Street North. In this respect, the applicant is to submit to the consent authority written evidence confirming gazettal of the road closure prior to the occupation of the building. All costs associated with this procedure shall be borne by the applicant.
- (2) The applicant is to use their best endeavours to purchase the remaining portion of Paul Street North which is currently owned by the RTA. No work on land owned by the RTA is approved by this consent.

B2 Separate Approvals

This consent does not approve the following development:

- (1) Signage; and
- (2) The fitout of the child care centre.

Appropriate approvals or certification from the relevant authority should be obtained for these works.

B3 Car park connection tunnel

The concept plan for the car park connection tunnel submitted to the Department on 8 September 2004 is to be further developed, submitted to, and approved by the Director, prior to the issue of a Construction Certificate for below ground works. The amended plan and associated documentation is to demonstrate the following:

- (1) The purpose of the tunnel;
- (2) how the proposed connection between the basement car parks is to be managed and who will have access to the tunnel;
- (3) safety within the tunnel;
- (4) how the tunnel will improve site connectivity; and
- (5) visibility throughout the extent of the tunnel.

B4 Child Care Centre

The child care centre is to be provided with a minimum unencumbered indoor and outdoor play space of 292.5m² and 630m² respectively and is to accommodate a maximum of 90 children. This floor space is to be reflected on the floor plans prior to the issue of a construction certificate, to the satisfaction of the Certifying Authority. For the purposes of

this condition, unencumbered play space is calculated as per Clause 4.7.2 of the Ryde City Council Child Care Centres Development Control Plan.

B5 *Reflectivity*

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

B6 *Outdoor Lighting*

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Areas adjoining public thoroughfares should be evenly lit to avoid concealment or entrapment opportunities. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

B7 *Disabled Access and facilities*

Access and facilities (including sanitary facilities) for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of a Construction Certificate for below ground works, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

B8 *Access Review Report*

The development is to incorporate all of the recommendations contained in the Access Review report prepared by Morris-Goding Accessibility Consulting dated 26 February 2004. Details are to be provided to the satisfaction of the PCA prior to the issue of a construction certificate for above ground works.

Remediation / Demolition / Earthworks

B9 *Remediation of Land*

- (1) Prior to the issue of a Construction Certificate or commencement of demolition works, the Applicant shall submit to the Director a Remedial Action Plan and a Hazardous Materials Survey. The Remedial Action Plan must be accompanied by a statement from a site auditor accredited by the Environmental Protection Agency to issue site audit statements.
- (2) Upon completion of the remediation works on the site, the Applicant shall submit a detailed Site Audit Summary Report and Site Audit Statement and Validation Report to the Director. The site audit must be prepared in accordance with the *Contaminated Land Management Act 1997* and completed by a site auditor accredited by the Environmental Protection Agency to issue site audit statements. The site audit must verify that the land is suitable for the proposed uses.

B10 *Acid Sulphate Soil Management Plan*

An Acid Sulphate Soil Management Plan shall be prepared by a suitably qualified person in accordance with the *Acid Sulphate Soil Assessment Guidelines* (Acid Sulphate Soil Management Advisory Committee, 1998). The Management Plan shall be submitted to and approved by the Director prior to the issue of a Construction Certificate.

B11 *Erosion and Sedimentation Control*

Soil erosion and sediment control measures shall be designed in accordance with the document *Managing Urban Stormwater–Soils & Construction* (NSW Department of Housing, 1998.) Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

B12 *Dilapidation Reports*

A Dilapidation Report detailing the current structural condition of the adjoining buildings, infrastructure and roads shall be prepared and endorsed by a qualified structural engineer. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for below ground works.

A second Dilapidation Report shall be prepared by a suitably qualified person at the completion of the works to ascertain if any structural damage has occurred to the adjoining buildings, infrastructure and roads. The report shall also be submitted to the satisfaction of the Principal Certifying Authority and should be compared with the earlier report to ascertain if any change has occurred.

A copy of both reports is to be forwarded to the Director and Ryde Council.

Traffic & Parking

B13 *Traffic Control Devices*

In order to ensure that vehicles exit the site in a safe manner, suitable traffic control devices, for example, signage and line marking shall be installed and shall be clearly visible at the upper threshold of the driveway. Details of the type, location and operation of the device are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate for above ground works.

B14 *Number of Car Spaces*

The maximum number of car spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Car parking allocation	Number
Commercial Spaces	2002
Number of commercial car spaces to be disabled spaces	59
Visitor Spaces for tenant of building	86
Number of Visitor spaces to be disabled	3
Spaces for Child Care Centre	12

B15 Number of Bicycle Spaces

A minimum of 330 secure bicycle spaces are to be provided for the development and constructed in accordance with AS 2890.3-1993. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for below ground works.

B16 Amenities for cyclists

The applicant is to provide an appropriate amount of amenities for employees cycling and walking to work. These amenities are to be provided in accordance with current best practice and as a minimum are to include showers and lockers. The required amount of amenities is to be determined by a suitably qualified person. A report, outlining how the amount and type of amenities has been determined and where they are to be located, is to be submitted to, and approved by, the Director prior to the issue of a construction certificate for below ground works.

B17 Car Park and Service Vehicle Layout

- (1) The layout of the car park, including driveway widths, ramp grades, aisle widths, turning circles, sight distances and parking bay sizes shall comply with Australian Standard AS2890.1: 2004 *Parking Facilities Part 1: Off Street Parking* and AS 2890.2 – 2002. All parking spaces are to be linemarked.
- (2) The layout of the service vehicle area shall comply with Australian Standard AS2890.2: 1989 *Off Street Parking Part 2 – Commercial Vehicles Facilities*.
- (3) All driveways are to be designed to accommodate heavy vehicles.
- (4) All carpark lighting is to be designed, installed and maintained to Australian Standard AS1680.2.1 – 1993: *Interior Lighting Circulation Spaces and other General Areas*. To this effect, ceilings, columns and other vertical structures (including columns and pipes) should be painted white.
- (5) Visitor spaces and drop off bays are to be clearly designated and signposted. The on grade parking spaces are to be allocated for visitor parking.
- (6) The disabled parking spaces as indicated on the approved plans are to be clearly marked,
- (7) Suitable time limited parking spaces should be designated and signposted for the proposed child care facility.
- (8) The covered carpark must be provided with an adequate system of permanent natural ventilation or a system of mechanical ventilation.

Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate for below ground works.

Pedestrian Right of Way

B18 Width of Right of Way

All public rights of way through the site are to be a minimum of 3 metres wide to accommodate comfortable pedestrian traffic. The applicant is required to demonstrate that opportunities for entrapment and concealment are minimised and the right of way is easily accessible for both the public and employees of the approved development. Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Director prior the issue of a Construction Certificate for below ground works. The public rights of way through the site are detailed in Condition E1.

B19 Lighting

The public right of way is to be suitably illuminated and designed to minimise opportunities for entrapment and concealment. Details demonstrating compliance with this requirement shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate for below above works. Refer also condition E1.

Fencing

B20 Fencing of Perimeter

No lockable gates, fencing or other means of security are approved as part of this consent, other than those shown on the approved plans. The approved access driveway around the perimeter of the site is to be accessible at all times. Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate for above ground works.

Ground level surfaces

B21 Treatment of surfaces

All ground level facades and vertical surfaces within the development that could be targeted for graffiti are to be treated with anti-graffiti coating to minimise the potential for defacement. Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior the issue of a Construction Certificate for above ground works.

Ecologically Sustainable Development (ESD) – Commercial

B22 Energy Star Ratings

All classes of appliances that are available with an energy label or a Minimum Energy Performance Standard to be installed within the premises are to have an energy star rating of 3 stars or more. The applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

B23 Water Ratings

All water fixtures installed within the premises are to have a AAA water rating or more. Showerheads and taps are to be fitted with reduced water flow devices. Water closets are to have a maximum 6/3 litre dual flush cistern. The applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

B24 *Hot water systems*

The hot water system is to have a minimum 3.5 star Greenhouse score. Hot water pipes shall be appropriately insulated. The applicant shall submit to the Certifying Authority a statement demonstrating compliance with the requirements of this condition.

B25 *Maximum temperature*

For the purposes of safety and energy conservation the hot water system shall include a mixing device/valve that will deliver hot water to a maximum of 50 degrees Celsius at the outlet of all taps and showers in all bathrooms.

B26 *SEDA Rating*

The design of the building shall achieve a 4.5 star rating under the Sustainable Energy Development Authority's (SEDA's) Australian Building Greenhouse Rating. Prior to the issue of a Construction Certificate for above ground works, the Applicant shall submit to the Director the following information:

- (1) Evidence that a Commitment Agreement has been entered into with SEDA, to deliver this star rating for the base building (central services such as air conditioning, lifts and common lighting and common areas of the building) or for the whole building where the Applicant is to occupy the building; and
- (2) An independent energy assessment that follows the guidelines in SEDA's *Australian Building Greenhouse Rating Scheme Design Energy Efficiency Review* and the *Energy Efficiency Design Review.xls* (spreadsheet) (the Applicant should contact SEDA to obtain the current version of these documents.)
- (3) A computer building simulation prepared in accordance with the guidelines of SEDA's Validation Protocol for the Use of Computer Building Simulation in Commitment Ratings (Applicants should contact SEDA to obtain the current version of this document.) The computer building simulation is required to demonstrate to the satisfaction and approval of the Director that the building can reasonably be expected to achieve the proposed rating under realistic operating conditions.

Health

B27 *Mechanical Ventilation*

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia, and shall comply with Australian Standards AS1668.2 and AS3666 *Microbial Control of Air Handling and Water Systems of Building* and the *Public Health Act 1991* to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

B28 *Location of Air Intake and Exhaust Air Discharge*

All fresh air intake and exhaust air discharge vents must be so located that no nuisance or danger to health arises.

B29 *Ventilation*

Every habitable room, sanitary compartment or other room occupied by a person for any purpose must be provided with adequate natural ventilation or a system of mechanical ventilation. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

B30 *Access to Plant*

Easy and safe access must be provided for inspection and maintenance purposes to all plant, equipment and components covered by AS3666-1995 *Air-Handling and Water Systems of Buildings – Microbial Control*. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

B31 *Cooling Towers*

All cooling towers installed on the premises must be provided with a process of disinfection approved by the New South Wales Health Department. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

B32 *Fitout of Food Premises*

The fitout of the food premises shall be carried out in accordance with *The National Code for the Construction and Fitout of Food Premises* published by the Australian Institute of Health. Details of compliance with the relevant provisions of the Code shall be prepared by a suitably qualified person and submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for these works.

B33 *Design of Food Premises*

The walls of all proposed food premises are to be constructed of brick, concrete blocks or other similar homogenous material.

B34 *Kitchen Exhaust Hoods*

A kitchen exhaust hood complying with AS 1668-1991 *The Use of Mechanical Ventilation and Air Conditioning in Buildings* must be provided over any stove, convection oven, deep fryer, hot plate, barbeque or similar cooking appliance used for commercial purposes and any commercial dishwasher.

Waste Management

B35 Storage and Handling of Waste

The design and management of facilities for the storage and handling of waste during the occupation of the approved development must comply with the requirements of Council's Development Control Plan No. 47 – Waste Minimisation and Management. A central garbage room should be provided within the basement carpark. The following specific requirements are to be incorporated into the design:

- (1) Wastes must be stored or contained in such a manner as to prevent a nuisance or hazard to health, safety or the environment;
- (2) Recyclable wastes must be segregated from other wastes, and the segregated wastes must be stored in separate bins or containers;
- (3) Wastes must be removed from the premises at regular intervals, and as required by demand;
- (4) Garbage rooms or garbage storage areas must be provided in convenient locations on the premises that are readily accessible for servicing. Garbage rooms should be provided within the basement carpark;
- (5) The access from any garbage room or garbage storage area must be paved and moderately graded to permit easy and safe servicing of containers;
- (6) Garbage collection rooms are to be designed to accommodate Council's garbage collection vehicles and allow convenient ingress and egress;
- (7) All garbage rooms must be designed and constructed in accordance with the following requirements:
 - (a) The room must be of adequate dimensions to accommodate all waste containers kept on the premises, and any compaction equipment installed, and allow easy access to the containers and equipment;
 - (b) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured gloss paint or other suitable sealant;
 - (c) The floor must be constructed of concrete steel trowelled to a smooth even surface, covered to a 25mm radius at the intersections with the walls and graded to a floor waste connected to the sewerage system;
 - (d) Where provided, ceilings must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
 - (e) The room must be provided with a vermin-proof roller shutter or other suitable door for servicing purposes;
 - (f) The room must be provided with a personal access door that is close-fitting, self-closing and openable from inside at all times without the use of a key. The personal access door must have a minimum height of 1980mm and a minimum unobstructed width of 750mm, and must be finished on the internal face with a smooth-faced impervious material;

- (g) The room must be provided with adequate natural ventilation direct to the outside air or a system of mechanical ventilation. All natural ventilation and make-up air openings must be vermin-proofed;
- (h) The room must be provided with adequate artificial lighting;
- (i) The room must be provided with hose cocks supplied with hot and cold water.

Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

Monetary Contributions and Contributions-in-lieu

B36 Monetary Contributions

In accordance with Division 6 of Part 4 of the Act, the Applicant shall pay the following monetary contributions:

(1) Amount of Contribution

Contribution Category	Amount
Public Space (\$26 per m2)	\$1,717,508
Stormwater Drainage (\$33 per m2)	\$2,179,914
Administration (\$2 per m2)	\$132,116
TOTAL	\$4,029,538

(2) Timing and Method of Payment

The contribution shall be paid in the form of cash or bank cheque, made out to Ryde City Council. For accounting purposes, the contribution may require separate payment for each of the categories above and you are advised to check with Ryde Council.

Evidence of the payment to Ryde Council shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate for below ground works.

(3) Indexing

The above amount, if not paid within 1 calendar year of the date of this consent shall be adjusted for inflation in accordance with the Consumer Price Index All Groups (Sydney) published by the Australian Bureau of Statistics (Catalogue Number 6401.0). You are advised to check with Ryde Council regarding the latest indexing at the time of payment.

B37 Security Bond – Protection of Works

A Security Bond of \$10000 for the protection of footways, drainage infrastructure, road pavements and kerb and guttering shall be deposited with the Department prior to the issue of a Construction Certificate. If any damage is caused to the above that is not rectified to the satisfaction of the Department, the Department shall deduct from the Security Bond the reasonable cost of replacement of the above or rectification of the works.

Subdivision Works

B38 Consolidation of Lots

The applicant is to submit to the PCA a plan of consolidation prepared by a registered surveyor showing the development site. This is to be submitted prior to the approval of the Construction Certificate and registered with the Land Titles Office prior to Occupation of any of the buildings.

B39 Stormwater and Drainage Works Design

The management of stormwater and drainage on site is to be designed in accordance with Ryde Council DCP No. 41 – Stormwater Management. A comprehensive Stormwater Drainage Plan, based on the approved plans prepared by Warren Smith & Partners, is to be prepared in consultation with Council by a suitably qualified and experienced engineer and should address Stormwater Detention, Pollution Control, Basement Pump out systems, and Site Drainage. The final Stormwater Drainage Plan must be submitted to, and approved by, the Director prior to issue of the construction certificate for below ground works. The Director must consult with Ryde Council engineers and seek their support for the Stormwater Drainage Plan prior to approving the Plan. The Stormwater Drainage Plan should generally incorporate the following:

- (a) The maximum capacity of piped drainage system shall be equivalent to the collected runoff from a 50 year average recurrence interval storm event. Overland flow paths are to be provided to convey runoff when the capacity of the piped drainage system is exceeded up to the 100 year average recurrence interval and direct this to the on-site detention system;
- (b) Runoff which enters the site from upstream properties should not be redirected in a manner which adversely affects adjoining properties;
- (c) The on-site detention system shall be designed to ensure peak flowrates within the downstream drainage system do not increase as a result of the development during storms from the 5 year to the 100 year average recurrence interval of all durations. Outflow from the basin shall be piped to a point of discharge in accordance with Council's DCP 41;
- (d) All fencing within the overland flow paths are to have a permeable section at least 300mm above the calculated top water surface level;
- (e) Habitable floor levels shall generally be 300mm and a minimum of 150mm above the calculated top water level. A hydrological and hydraulic assessment shall be undertaken by a suitably experienced civil engineer to accurately determine the top water level. The Stormwater Drainage Plan should clearly demonstrate that there is no opportunity for flooding of habitable floor levels;
- (f) A certificate from a suitably qualified engineer that the landscaping plans are compatible with the final drainage plans. If the drainage plans are not compatible with the approved landscaping plans, amendments to the landscaping plan may be made only with the approval of the Director;
- (g) the hydrology and hydraulic calculations shall be based on models described in the current edition of Australian Rainfall and Runoff;
- (h) details of the storages such as volumes, state-storage-discharge characteristics, long sections, cross-sections and inlet and outlet details;
- (i) Details of the proposed works in Paul Street North and the impacts these works will have on the existing stormwater drainage system in the street;
- (j) Details of the proposed arrangements for future access to the stormwater drainage system within Paul Street North for inspection and maintenance purposes once Paul Street North becomes private property;

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- (k) Provision of stormwater pollution control measures which are designed to capture suspended solids from all runoff from the as-constructed development. The measures are to be readily maintainable; and
 - (l) Provision of suitable oil separator units in the drainage systems of basement carparking areas which are designed to remove oils and sediment from any water runoff from these areas prior to discharge to the stormwater system.

Following consultation with Council, the final stormwater drainage plan may vary from the provisions outlined above, or include additional matters.

B40 Stormwater re-use

The applicant is to incorporate a system for the re-use of rainwater for the purposes of toilet flushing and irrigation throughout the approved development. Details are to be submitted to and approved by the Director prior to the issue of a construction certificate for below ground works and include details of the location of the rainwater tanks and the calculations for determining an appropriately sized tank to satisfy this condition.

B41 Compliance with Macquarie Park Masterplan

Prior to the issue of a Construction Certificate, the applicant/developer is to submit a plan for the approval of the Director providing an indication of how the approved development may be redeveloped in the future, if the site was to be strata subdivided into individual tenancies, to enable the broad objectives of the Macquarie Park Corridor, North Ryde Masterplan, dated July 2004, to be implemented. This includes the proposed secondary east-west and north-south streets that are proposed in and surrounding the boundaries of the subject site in the Masterplan. This plan should detail how the approved internal road system can be upgraded in the future, with possible integration with adjoining lots, to provide a secondary road system as indicated in the Masterplan.

Note: The proposed plan does not have to reflect the exact location of the proposed roads shown in the Masterplan, rather, it should indicate how the intent of the road system could be implemented into the design of the approved development.

B42 Public Utility Services to be provided underground

All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities. A plan detailing services trenches, which shows distances from proposed and existing trees, shall be submitted for the approval of the PCA prior to the issue of the Construction Certificate. The provision of these measures is to be certified by a consulting engineer or surveyor prior to the issue of the Occupation Certificate.

B43 Plan stamping by Sydney Water for new buildings

The relevant approved plan, which shows the building footprint, must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met prior to the issue of a Construction Certificate.

For Quick Check agent details please refer to the web site www.sydneywater.com.au, see Your Business then Building & Developing then Building & Renovating or telephone 13 20 92.

Compliance

B44 Compliance Report

Prior to the issue of a Construction Certificate, the Applicant, or any party acting upon this consent, shall submit to the Department a report addressing compliance with all relevant conditions of this consent.

PART C—PRIOR TO COMMENCEMENT OF WORKS

Demolition Works

C1 Statement of Compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 1991 *The Demolition of Structures*. The work plans required by AS2601: 1991 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.

Excavation Works

C2 Notice to be Given Prior to Excavation

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

Structural Works

C3 Structural Details

Prior to the commencement of construction, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the Building Code of Australia,
- (2) the relevant development consent,
- (3) drawings and specifications comprising the Construction Certificate, and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

Construction Management

C4 Construction Management Plan

Prior to the commencement of any works on the site, a Construction Management Plan shall be submitted to and approved by the Director. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work,
- (2) contact details of site manager,
- (3) traffic management (see also C5 below),
- (4) noise and vibration management (see also C6 below),

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- (5) waste management (see also C7 below),
 - (6) erosion and sediment control (see also B11),
 - (7) flora and fauna management,
 - (8) fencing of the site during demolition, excavation and construction in accordance with relevant Australian Standards and the requirements of Workcover, and
 - (9) Compliance with Council's Development Control Plan No. 42 – Construction Activities.

The Applicant shall submit a copy of the approved plan to Council.

C5 Traffic & Pedestrian Management Plan

Prior to the commencement of any works on the site, a Traffic and Pedestrian Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Director. The Plan shall address, but not be limited to, the following matters:

- (1) ingress and egress of vehicles to the site,
- (2) loading and unloading, including construction zones,
- (3) predicted construction traffic volumes, types and heavy vehicle routes,
- (4) pedestrian and traffic management methods to satisfy at least the minimum standards in AS1742.3 – 1996 – Traffic Control Devices for Work on Roads,
- (5) the provision of on-site parking for all employees, trades persons and construction vehicles. Parking on local streets is to be avoided, and
- (6) the plan must recognise the different stages of work, including site establishment, bulk excavation, concrete pours, construction of the base building, fitout works and landscaping and should specify the traffic management requirements of each stage.

The Applicant shall submit a copy of the approved plan to Council.

C6 Noise and Vibration Management Plan

Prior to the commencement of any works on the site, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Director. The Plan shall address, but not be limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources,
- (2) Identification of all potentially affected sensitive receivers including residences, schools, offices and other properties containing noise sensitive equipment,
- (3) The construction noise objective specified in the conditions of this consent,
- (4) The construction vibration criteria specified in the conditions of this consent,
- (5) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,

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- (6) Noise and vibration monitoring, reporting and response procedures,
 - (7) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
 - (8) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
 - (9) Justification of any proposed activities outside the construction hours specified in the conditions of this consent.
 - (10) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
 - (11) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration,
 - (12) Contingency plans to be implemented in the event of non-compliances and/or noise complaints.

The Applicant shall submit a copy of the approved plan to Council.

C7 Construction Waste Management Plan

Prior to the commencement of works, the Applicant shall submit to the satisfaction of the PCA a Construction Waste Management Plan prepared by a suitably qualified person in accordance with Ryde Council's Waste Minimisation and Management Development Control Plan No. 47. The Applicant shall submit a copy of the plan to the Department and Council.

C8 Contact Telephone Number

Prior to the commencement of the works, the Applicant shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

Hazardous Materials

C9 Removal of Hazardous Materials

All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

C10 Site Audit

Prior to the commencement of building works, a Site Audit conducted by a suitably qualified person shall be undertaken to ascertain that all identified hazardous materials have been removed from the site and shall be submitted to the PCA.

Compliance

C11 Compliance Report

Prior to the commencement of works, the Applicant, or any party acting upon this consent, shall submit to the Department a report addressing compliance with all relevant conditions of this consent.

PART D—DURING CONSTRUCTION

Site Maintenance

D1 Erosion and Sediment Control

All erosion and sediment control measures are to be effectively maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

D2 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

D3 Stockpiling of material

No spoil, stockpiles, building or demolition material is to be placed on any public road, footpath, park or Council or RTA owned land.

Asbestos

D4 Disposal of Asbestos

All asbestos wastes including used asbestos-cement sheeting (i.e. fibro), must be disposed of at a landfill facility licensed by the New South Wales Environmental Authority to receive that waste. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.

Structural Works

D5 Setting Out of Structures

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that the set out of the structural works are in accordance with the approved development application.

Construction Management

D6 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

D7 Site Notice

Site notices shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details. The notices are to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) During demolition the site notice shall be lettered in accordance with AS 1319 displaying the words "DANGER – DEMOLITION IN PROCESS" or similar message;
- (3) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (4) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
- (5) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D8 *Contact Telephone Number*

The applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

D9 *External Lighting*

External Lighting shall comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

D10 *Protection of Trees – Street Trees*

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

D11 *Protection of Trees – On-site Trees*

All trees on the site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.

D12 *Dust Control Measures*

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (2) Covers are to be adequately secured,

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- (3) Cleaning of footpaths must be carried out regularly,
 - (4) Roadways must be kept clean,
 - (5) Gates are closed between vehicle movements,
 - (6) Gates are fitted with shade cloth,
 - (7) The site is hosed down when necessary, and
 - (8) Wheel washes shall be installed for all vehicles exiting the site.

D13 Restoration of public areas

Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment.

Noise and Vibration

D14 Hours of Work

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) between 7:00 am and 7:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 4:00 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities;
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (3) the work is approved through the Construction Noise and Vibration Management Plan; and
- (4) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

D15 Construction Noise Objective

The construction noise objective for the Project is to manage noise from construction activities (as measured by a $L_{A10 (15\text{minute})}$ descriptor) so it does not exceed the background L_{A90} noise level by:

- (1) not more than 20dB(A) for a construction period of four weeks and under;

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- (2) not more than 10dB(A) for a construction period of greater than four weeks and not exceeding 26 weeks; and
 - (3) not more than 5dB(A) for a construction period greater than 26 weeks.

Background noise levels are those identified in the approved Construction Noise and Vibration Management Plan. The Applicant shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Noise and Vibration Management Plan.

If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.

D16 Construction Noise Management

The Applicant shall:

- (1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan:
 - (a) 9 am to 12 pm, Monday to Friday;
 - (b) 2pm to 5pm Monday to Friday; and
 - (c) 9 am to 12 pm, Saturday
- (2) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Noise and Vibration Management Plan.

D17 Vibration Criteria

Vibration caused by construction at any residence or structure outside the subject site must be limited to:

- (1) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- (2) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

D18 Vibration Management

Vibratory compactors must not be used closer than 100 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

Building Inspections

D19 Inspection of works

The building works are to be inspected during construction by the PCA to monitor compliance with this consent and the relevant standards of construction encompassing the following stages of construction:

- (1) Shoring and excavation works;
- (2) Continuous piers or piling;
- (3) Footings/slab steel;
- (4) Steel beams, columns or framing;
- (5) Stormwater drainage;
- (6) Finalisation of works.

Documentary evidence of compliance with this approval and relevant standards of construction is to be obtained prior to proceeding to the subsequent stages of construction and copies of the documentary evidence are to be maintained by the PCA and be made available to Council officers and the Director upon request.

Ecologically Sustainable Development

D20 Recycling of Concrete

Any existing concrete of suitable volume, which is not used as fill, shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the PCA.

Compliance

D21 Compliance Report

The Applicant, or any party acting upon this consent, shall, for the duration of construction period, submit to the Department a three monthly report addressing compliance with all relevant conditions of this consent.

PART E—REGISTRATION OF EASEMENTS PRIOR TO OCCUPATION

Easements

E1 Public Access

- (1) A public right of way under Section 88B of the Conveyancing Act 1919, burdening the subject property with the requirement to maintain a public right of way and provide 24 hour public access from the pedestrian overbridge on Epping Road to the property known as 16 Giffnock Avenue, is to be created. The location of the public right of way is to be in accordance with the approved plan required by Condition B18.
- (2) A public right of way under Section 88B of the Conveyancing Act 1919 is to be created through the property known as 16-20 Giffnock Avenue (Lot 2, DP 575461) to provide 24 hour access through this property for the public and employees of the approved development. The location of the public right of way is to be in accordance with the approved plan required by Condition B18.
- (3) The public right of way is to be a minimum of 3 metres wide and provide the most direct and convenient access from Epping Road to Giffnock Avenue and the future rail station at Lane Cove Road. Refer also condition B18.
- (4) The landowner is to maintain 24 hour access for the public and employees of the development and must provide lighting within the right of way in accordance with *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* at all times. Refer also condition B19.

E2 Stormwater

A documentary easement to drain water 2.5 metres wide is to be created over any existing Council managed stormwater pipes within Paul Street North, pursuant to Section 88B of the Conveyancing Act 1919.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Engineering

F1 Fire Safety Certificate

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the consent authority and Council by the PCA.

F2 Annual Fire Safety Statement

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the consent authority initial Fire Safety Certificate is received.

F3 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of the Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The development consent and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

F4 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of an Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact consent authority for specific electronic format) shall be submitted to the consent authority and the Council after:

- (1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F5 Council and Public Authority Assets

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the applicant/developer prior to the issue of an Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount, a separate invoice will be issued.

F6 Upgrading of Pathways

The pedestrian pathway on Lyonpark Road is to be upgraded to Council standards as specified in Environmental Standards development, Criteria Section 4, along the full frontage of the property. This is to be carried out at no cost to Council, prior to occupation.

Easements

F7 Registration of Easements

Prior to the issue of an Occupation Certificate, the applicant shall provide to the PCA evidence that all easements required by this consent, approvals, and other consents have been or will be registered on the certificates of title.

Sydney Water

F8 Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the web site www.sydneywater.com.au then follow the “e-Developer” icon or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the PCA prior to occupation of the development or release of the plan of subdivision.

Access

F9 Access Review Report

Prior to occupation of the buildings, the applicant is to submit to the satisfaction of the PCA a report from a suitably qualified person verifying that all of the recommendations in the Access Review Report prepared by Morris-Goding Accessibility Consulting dated 26 February 2004 have been satisfactorily implemented.

PART G—POST OCCUPATION

Fire Safety

G1 Annual Fire Safety Certification

The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

Traffic and Parking

G2 Carparking

The on-site car parking spaces are not to be used by those other than an occupant, tenant or visitors or customers of the tenant of the subject buildings.

G3 Loading and Unloading

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site at all times.

G4 Unobstructed Driveways and Parking Areas

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

G5 Vehicular Access

Signs shall be exhibited in a prominent location on the site advising that all vehicles entering or leaving the site are to be driven in a forward direction at all times.

G6 Workplace Travel Co-ordinator

The tenant is to employ a suitably qualified workplace travel co-ordinator to implement the objectives and strategies within the Optus Workplace Travel Plan, dated 30 July 2004 prepared by Project Planning Associates. The workplace travel co-ordinator is to review the Workplace Travel Plan on a yearly basis, from the date of occupation, to ensure the modal split targets within the Optus Workplace Travel Plan are being implemented and achieved. Where the modal split targets are not being shown to be achieved, the Workplace Travel Co-ordinator of the building is to implement further measures to meet the targets within the Plan.

The annual review of the Workplace travel plan, along with recommendations to improve modal split targets, is to be submitted to Council.

The Workplace Travel Co-ordinator is required to be employed by the tenant of the premises until at least two years after the opening of the Epping to Chatswood Rail Link.

G7 *Resident Parking Scheme*

If after a period of one year after the opening of the Epping to Chatswood Rail Link, the modal split targets for motor vehicles (ie. target of a maximum 40% motor vehicle use by employees) within the approved Optus Workplace Travel Plan are not being achieved, the tenant must liaise with Council regarding the installation of a resident parking scheme within the residential zone on the opposite side of Epping Road. The scope of the resident parking scheme is to be determined in consultation with Council, however, as a minimum, is to include Paul Street, McGregor Street, David Avenue, Holt Street, Napier Crescent and Parklands Road, North Ryde. The tenant of the building is to be responsible for costs associated with the installation of the resident parking scheme. The aim of the scheme is to ensure that employees of the development cannot conveniently park their vehicles in the residential area at the expense of public transport use.

Waste**G8 *Waste Collection***

Suitable arrangements are to be made for the collection of waste from the development. Waste is to be managed in accordance with the requirements of Condition B33 – Storage and Handling of Waste. Appropriate arrangements are to be made with Ryde Council in the event that Council's contractors are used for waste collection.

Stormwater Detention and Retention Facilities**G9 *Maintenance***

The landowner is to maintain the on-site stormwater detention and retention facilities on the property and ensure that the system functions in accordance with the approved stormwater drainage plan. All costs associated with the maintenance of these facilities are to be borne by the landowner.

Noise**G10 *Hours of Operation***

The completed development is approved to operate 24 hours a day, 7 days a week.

G11 *Noise Control – Plant and Machinery*

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the site.

G12 *Offensive Noise*

The use of the premises shall not give rise to an 'offensive noise' as defined under the provisions of the Protection of the Environment Operations Act 1997.

G13 *Deliveries*

The delivery/pick up of any large equipment/materials/containers transported by an “over size” vehicle to/from the site is not to occur between 11:00pm and 5:00am in order to protect the amenity of the locality.

Hazardous Materials

G14 Storage of Hazardous or Toxic Material

Any hazardous or toxic materials must be stored in accordance with Workcover Authority requirements and all tanks, drums and containers of toxic and hazardous materials shall be stored in a bunded area. The bund walls and floors shall be constructed of impervious materials and shall be of sufficient size to contain 110% of the volume of the largest tank plus the volume displaced by any additional tanks within the bunded area.

Public Access

G15 Public Way to be Unobstructed

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Use of the Buildings

G16 Shared communal facilities

The child care centre, gymnasium and food amenity services are only to be used by the tenant of the building.

Graffiti

G17 Removal of Graffiti

Any graffiti that occurs on the exterior facades of the buildings is to be removed immediately.

Compliance

G18 Compliance Report

The Applicant, or any party acting upon this consent, shall submit a report addressing compliance with all relevant conditions of this consent, when and as requested by the Department.

ADVISORY NOTES

AN1 Sydney Water

An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the *Water Board (Corporatisation) Act, 1994* (Compliance Certificate). Evidence that a Compliance Certificate has been applied for (i.e. Notice of Requirements) shall be produced to the satisfaction of the PCA prior to the issue of a Construction Certificate. The Section 73 Certificate shall be submitted to the PCA prior to the occupation of the development or release of the linen plan.

AN2 Requirements of Public Authorities for Connection to Services

The applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

AN3 Compliance with Building Code of Australia

The applicant is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN4 Use of Mobile Cranes

The applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN5 Movement of Trucks Transporting Waste Material

The applicant shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN6 Construction Inspections

Compliance certificate/s shall be issued by the Principal Certifying Authority and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* for each stage of construction, such as the following:

- (1) Foundations,
- (2) Footings,
- (3) Damp proof courses and waterproofing installation,
- (4) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (5) Structural beam and column framing,
- (6) Timber wall and roof framing, and
- (7) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of consent.

AN7 Noise Generation

Any noise generated during the construction of the development shall not exceed the limits specified in the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

AN8 Excavation – Aboriginal Relics

Should any Aboriginal relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the National Parks and Wildlife Service shall be informed in accordance with Section 91 of the *National Parks and Wildlife Act, 1974*.

AN9 Excavation – Historical Relics

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

AN10 Remediation and Validation Report

Following the completion of remediation works on the site a Remediation and Validation Report is to be prepared by a suitably qualified environmental consultant. This report, together with a final site audit statement by an Environmental Protection Agency accredited environmental consultant, including Notice of Completion statement, pursuant to clauses 17(2) and 18 of *State Environmental Planning Policy No.55—Remediation of Land*, is to be submitted to the satisfaction of the consent authority prior to occupation of the building.

AN11 Street Numbering

Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council Policy, prior to the occupation of the buildings or commencement of the use.

If street numbers or a change to street numbers are required, a separate application shall be made to Council.

AN12 Child Care Centre

Appropriate approvals/licences should be obtained from the Department of Community Services for the operation of the Child Care Centre.

AN13 Road Works

Approval under Section 138 of the Roads Act 1993 should be obtained from the relevant road authority for works in the road reserve.